

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

CrI.MC.No. 661 of 2007()

ST.2364/2005 of JUDL.MAGISTRATE OF FIRST CLASS COURT, ALATHUR

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PETITIONER: ACCUSED

SAJEEV P.P., S/O.PAPPUKUTTY, AGED 47
YEARS, PASHNATH HOUSE, KOTTAVATHIL,
KOTTAMURI (P.O), MALA, WORKING AS LECTURER
SENIOR GRADE, N.S.S.COLLEGE, NENMARA.

BY ADV. SMT.K.V.BHADRA KUMARI

RESPONDENTS: COMPLAINANT

1. DR.MOOSAKUTTY, S/O.SAIDU MOHAMMED,
PALCHIKULAMBIL HOUSE, KIZHANCHERY,
PALAKKAD, REPRESENTED BY POWER OF ATTORNEY HOLDER
ISHABI.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY P.P. SRI.S.U. NAZAR.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12/03/2007 ALONG WITH CRMC NO.663/07, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

Crl.M.C.No. 661 & 663 of 2007

Dated this the 12th day of March, 2007

ORDER

The petitioner is an accused facing indictment in two separate prosecutions, both initiated by the same respondent/complainant herein. The cases were filed and registered in 2005 and 2006. The petitioner has not appeared before the learned Magistrate so far. Coercive processes have been issued against the petitioner by the learned Magistrate. He finds himself in the unenviable predicament of these processes issued by the learned Magistrate chasing him. He is willing to appear before the learned Magistrate. He apprehends that in view of his prior inability to appear, the learned Magistrate may not consider his application for bail on merits, in accordance with law and expeditiously. It is in these circumstances prayed that directions under Section 482 Cr.P.C. may be issued to the learned Magistrate to release the petitioner on bail when he appears.

2. I find no merit in the prayer of the petitioner. It is certainly for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he

could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider his application for bail on merits, in accordance with law and expeditiously. No special or specific direction appears to be necessary. Sufficient general directions have already been issued by this Court in the decision in **Alice George** v. **Dy.S.P. of Police** (2003 (1) KLT 339).

3. These Crl.M.Cs. are accordingly dismissed, but subject to the above observations/directions. I may hasten to observe that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

(R. BASANT)
Judge